

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 09/810,938, filed on March 16, 2001,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one Gudmundur Hjartarson Date: May 28/2001

Signature: [Signature] Citizen of: Canada

Inventor two Mark Feeley Date: May 28/01

Signature: [Signature] Citizen of: Canada

Inventor three Jonathan Boocock Date: May 28, 2001

Signature: [Signature] Citizen of: Canada

Inventor four Andrew Deczky Date: May 28/2001

Signature: [Signature] Citizen of: Canada

☒ Additional inventors are being named on 1 additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3133574 v1

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

SEP 04 2001  
PATENT & TRADEMARK OFFICE

I, the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 09/810,938, filed on March 16, 2001,  
☐ as amended on \_\_\_\_\_ (if applicable);

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I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor five Andreas Weirich Date: 28 May 2001

Signature: A. Weirich Citizen of: Canada

Inventor six \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor seven \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor eight \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

|                        |  |
|------------------------|--|
| Application Number     | 09/810,938   |
| Filing Date            | March 16, 2001   |
| First Named Inventor   | Hjartarson, Gudmundur, et al.                          |
| Title                  | System And Method For Programmable Spectrum Management |
| Group Art Unit         | 2661   |
| Examiner Name          | Unassigned   |
| Attorney Docket Number | 020510-13.00   |

I hereby appoint:

☐ Practitioners at Customer Number  
**OR**

20350

Place Customer  
Number Bar Code  
Label here

☒ Practitioner(s) named below:

| Name                | Registration Number |
|---------------------|---------------------|
| Kenneth R. Allen    | 27,301              |
| Charles L. Hamilton | 42,624              |
| David N. Slone      | 28,572              |
|                     |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

**OR**

☐ Practitioners at Customer Number

|   |                                    |       |                |     |            |
|---|------------------------------------|-------|----------------|-----|------------|
| <input checked="" type="checkbox"/> Firm or Individual Name | Kenneth R. Allen                   |       |                |     |            |
| Address   | Townsend and Townsend and Crew LLP |       |                |     |            |
| Address   | Two Embarcadero Center, 8th Floor  |       |                |     |            |
| City  | San Francisco                      | State | CA             | ZIP | 94111-3834 |
| Country   | US                                 |       |                |     |            |
| Telephone   | (650) 326-2400                     | Fax   | (650) 326-2422 |     |            |

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

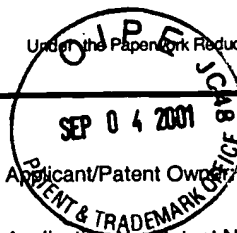
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

## SIGNATURE of Applicant or Assignee of Record

|           |                   |
|-----------|-------------------|
| Name      | Andreas Weirich   |
| Signature | <i>A. Weirich</i> |
| Date      | 28 May 2001       |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of forms are submitted.



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Hjartarson, Gudmundur, et al.

Application No./Patent No.: 09/810,939

Filed/Issue Date: March 16, 2001

Entitled: System And Method For Programmable Spectrum Management

Catena Networks, Inc., a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

28 May 2001  
Date

A. Weirich  
Signature

Andreas Weirich

Typed or printed name

Vice President, Systems Architecture

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## ASSIGNMENT

WHEREAS, we:

**HJARTARSON, Jim**  
**FEELEY, Mark**  
**BOOCOCK, Jonathan**  
**DECZKY, Andrew**  
**WEIRICH, Andreas**

hereinafter referred to as Assignor, whose full post office addresses are,

39 Marble Arch Crescent, Nepean, Ontario K2G 5S7, Canada  
2 Inuvik Crescent, Kanata, Ontario K2L 1A2, Canada  
664 Bayview Drive, R.R. #1, Woodlawn, Ontario K0A 3M0, Canada  
732 Highland Avenue, Ottawa, Ontario K0A 2K7, Canada  
15 Basford Crescent, Stittsville, Ontario K2S 1G7, Canada

have made an invention relating to and entitled:

### **A SYSTEM AND METHOD FOR PROGRAMMABLE SPECTRUM MANAGMENT**

as fully set forth and described in an application for Letters Patent of Canada identified as:

Serial number 2,303,631, filed on March 31, 2000;

AND WHEREAS,

**Catena Networks Canada Inc.**

hereinafter referred to as Assignee, whose full post office address is

307 Legget Drive, Kanata, Ontario, K2K 3C8, Canada

desires to acquire our entire right, title and interest in and to said invention;

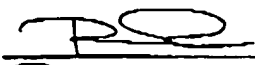
NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we do hereby sell, assign, transfer and set over to Assignee, its successors, assigns, or legal representatives, our entire right, title and interest for Canada, the United States and all other countries throughout the World in and to said invention, together with our entire right, title and interest in and to said application and any foreign applications corresponding thereto and any and all Letters Patent which may issue for said invention, including any and all divisions, reissues, continuations and extensions to said Letters Patent, to the full end of the term for which each said Letters Patent may be granted, and including the right to claim priority, based on said application, under the terms of any international Convention, the same to be held and enjoyed as fully and completely as the same would have been held and enjoyed by us had this Assignment not been made;

---

AND WE, on behalf of ourselves and our executors and administrators, hereby covenant and agree to do all such lawful acts and things and to execute without further consideration such further lawful assignments, documents, assurances, applications and other instruments as may reasonably be required by said Assignee, its successors, assigns, or legal representatives, to obtain any and all Letters Patent for said invention and vest the same in said Assignee, its successors, assigns, or legal representatives.

DATED this 27<sup>th</sup> day of February, 2000.

Witnessed By:


Signature: 

Name: Paula Roy

By: 

Name: Jim Hjartarson

Witnessed By:

Signature: 

Name: Paula Roy

By: 

Name: Mark Feeley

Witnessed By:

Signature: 

Name: Paula Roy

By: 

Name: Jonathan Boocock

Witnessed By:


Signature: 

Name: Paula Roy

By: 

Name: Andrew Deczky

Witnessed By:

Signature: 

Name: Paula Roy

By: 

Name: Andreas Weirich

PATENT ASSIGNMENT

Catena Networks Canada, Inc. (a Canadian corporation), ("Assignor") a wholly owned subsidiary of Catena Networks, Inc. (a Delaware corporation) is the record owner of:

U.S. Patent Application No.: 09/810,938  
 Filed: March 16, 2001  
 For: System And Method For Programmable Spectrum Management  
 Priority: Canadian Patent Application No. 2,303,631  
 Filed: March 31, 2000

WHEREAS, Catena Networks, Inc., (a Delaware corporation), ("Assignee"), located at 303 Twin Dolphin Drive, Suite 600, Redwood Shores, California 94065 wishes to purchase all Assignor's right, title and interest to and under the patent application effective at least as early as March 16, 2001.

Therefore, for good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Date: 28 May 2001

A. Weirich

Andreas Weirich  
 Vice President Systems Architecture

PROVINCE OF Ontario )

COUNTY OF )

ss.

On May 28/01, before me, ANDREAS WEIRICH,  
 Notary Public, personally appeared Andreas Weirich, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]  
 NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_  
 PA 3141142 v1

## **Application Data Sheet**

### **Application Information**

|                                 |   |
|---------------------------------|---|
| Application number::            | 09/810,938  |
| Filing Date::                   | 03/16/01  |
| Application Type::              | Regular   |
| Subject Matter::                | Utility   |
| Suggested classification::      |   |
| Suggested Group Art Unit::      |   |
| CD-ROM or CD-R??:               |   |
| Number of CD disks::            |   |
| Number of copies of CDs::       |   |
| Sequence Submission::           |   |
| Computer Readable Form (CRF)?:: |   |
| Number of copies of CRF::       |   |
| Title::                         | SYSTEM AND METHOD FOR PROGRAMMABLE<br>SPECTRUM MANAGEMENT |
| Attorney Docket Number::        | 020510-13.00US  |
| Request for Early Publication:: | No  |
| Request for Non-Publication::   | No  |
| Suggested Drawing Figure::      | 3   |
| Total Drawing Sheets::          | 3   |
| Small Entity?::                 | Yes   |
| Latin name::                    |   |
| Variety denomination name::     |   |
| Petition included?::            | No  |
| Petition Type::                 |   |
| Licensed US Govt. Agency::      |   |
| Contract or Grant Numbers One:: |   |
| Secrecy Order in Parent Appl.:: | No  |

### **Applicant Information**

|  |                         |
|--|-------------------------|
| Applicant Authority Type::             | Inventor                |
| Primary Citizenship Country::          | Canada                  |
| Status::                               | Full Capacity           |
| Given Name::                           | Gudmundur               |
| Middle Name::                          |                         |
| Family Name::                          | Hjartarson              |
| City of Residence::                    | Nepean                  |
| State or Province of Residence::       | Ontario                 |
| Country of Residence::                 | Canada                  |
| Street of Mailing Address::            | 39 Marble Arch Crescent |
| City of Mailing Address::              | Nepean                  |
| State or Province of mailing address:: | Ontario                 |
| Country of mailing address::           | Canada                  |



Postal or Zip Code of mailing address:: K2G 5S7

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Canada  
Status:: Full Capacity  
Given Name:: Mark  
Middle Name::  
Family Name::  
City of Residence:: Kanata  
State or Province of Residence:: Ontario  
Country of Residence:: Canada  
Street of Mailing Address:: 2 Inuvik Crescent  
City of Mailing Address:: Kanata, Ontario  
State or Province of mailing address:: Ontario  
Country of mailing address:: Canada  
Postal or Zip Code of mailing address:: K2L 1A2

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Canada  
Status:: Full Capacity  
Given Name:: Jonathan  
Middle Name::  
Family Name::  
City of Residence:: Woodlawn  
State or Province of Residence:: Ontario  
Country of Residence:: Canada  
Street of Mailing Address:: 664 Bayview Drive, R.R. #1  
City of Mailing Address:: Woodlawn, Ontario  
State or Province of mailing address:: Ontario  
Country of mailing address:: Canada  
Postal or Zip Code of mailing address:: K0A 3M0

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Canada  
Status:: Full Capacity  
Given Name:: Andrew  
Middle Name::  
Family Name::  
City of Residence:: Deczky  
State or Province of Residence:: Ottawa  
Country of Residence:: Ontario  
Street of Mailing Address:: Canada  
City of Mailing Address:: 732 Highland Avenue  
Ottawa, Ontario

State or Province of mailing address:: Ontario  
Country of mailing address:: Canada  
Postal or Zip Code of mailing address:: K0A 2K7

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Canada  
Status:: Full Capacity  
Given Name:: Andreas  
Middle Name::  
Family Name:: Weirich  
City of Residence:: Stittsville  
State or Province of Residence:: Ontario  
Country of Residence:: Canada  
Street of Mailing Address:: 15 Basford Crescent  
City of Mailing Address:: Stittsville, Ontario  
State or Province of mailing address:: Ontario  
Country of mailing address:: Canada  
Postal or Zip Code of mailing address:: K2S 1G7

### **Correspondence Information**

Correspondence Customer Number:: 20350

### **Representative Information**

|                              |                         |                       |
|------------------------------|-------------------------|-----------------------|
| Representative Designation:: | Representative Number:: | Representative Name:: |
| Primary                      | 27,301                  | Kenneth R. Allen      |
| Associate                    | 42,624                  | Charles Hamilton      |
| Associate                    | 28,572                  | David N. Slone        |

### **Foreign Priority Information**

|           |                      |               |
|-----------|----------------------|---------------|
| Country:: | Application number:: | Filing Date:: |
| Canada    | 2,303,631            | 03/31/00      |

### **Assignee Information**

Assignee Name:: Catena Networks, Inc.  
Street of mailing address:: 303 Twin Dolphon Drive, Suite 600  
City of mailing address:: Redwood Shores  
State or Province of mailing address:: California  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 94065